Application No.: 10/630,144
Attny. Docket: 100202796-1

Response to Action
dated March 12, 2007

## REMARKS

1.    In response to the Office Action mailed March 12, 2007, Applicants respectfully requests reconsideration. Claims 2-13, 15, 17-25, 29-34, 37-38, 41-42, and 45-56 were originally presented in the application. Claims 1, 14, 16, 26, 27, 28, 35, 36, 39, 40, 43 and 44 were previously presented in the application. In the outstanding Office Action, claims 1-12 and 14-56 have been rejected. Claim 13 has been objected to. By the foregoing Amendments, claims 1, 14, 28, 35, 45, 47, 49, 50, 53 and 55 have been amended. No claims have been canceled or added. Thus, upon entry of this paper, claims 1-56 will be pending in this application. Of these fifty-six (56) claims, ten (10) claims (claims 1, 14, 28, 35, 45, 47, 49, 50, 53 and 55) are independent. Based on the above Amendments and following Remarks, Applicants respectfully request that all outstanding objections and rejections be reconsidered, and that they be withdrawn.

### *Final Office Action*

2.    Applicants note that the Examiner checked the box on the Office Action summary indicating that the present Office Action is a non-final action. The Examiner, however, indicated on page 9 of the Office Action that the action is made final. (*See*, Office Action at 9.) Applicants, therefore, are treating the Office Action as a Final Office Action.

### *Acceptance of Drawings*

3.    Applicants request that the Examiner indicates on the next official communication whether the formal drawings filed on July 30, 2003 are deemed acceptable.

### *Allowed Claim*

4.    Applicant notes with appreciation the Examiner's indication that claim 13 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Claim Rejections*

5.    Independent claims 1, 14, 28, 35, 45, 47, 49, 50, 53, and 55 and dependent claims 2-12, 15-27, 29-34, 36-44, 46, 48, 51-52, and 56 have been rejected under 35 U.S.C. § 102(e) as

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clearly anticipated by U.S. Patent No. 7,028,192 to Butler (hereinafter, "Butler"). Independent claims 1, 14, 28, 35, 45, 47, 49, 50, 53, and 55 and dependent claims 2-12, 15-27, 29-34, 36-44, 46, 48, and 51-52 have also been rejected under 35 U.S.C. § 102(e) as clearly anticipated by U.S. Patent Publication 2003/0182614 A1 to Schroeder (hereinafter, "Schroeder"). Based upon the above Amendments and following Remarks, Applicants respectfully request reconsideration and withdrawal of these rejections.

6.     Independent claim 1 currently recites "fragmenting the original key string into a plurality of key fragments," "calculating for each key fragment corresponding check data" and "combining each key fragment with its corresponding check data to form said error-detectable key fragments." (See, Applicants' claim 1 above). In asserting that Butler teaches this limitation, the Examiner relied on the identical bases as relied on by the Examiner in the October 19, 2006 Office Action. Particularly, the Examiner maintained the allegation that FIG. 2 of Butler teaches these limitations of claim 1. (See, Office Action, page 2-3). Applicants respectfully submit that for at least the below discussed reasons, the Examiner's reliance on Butler is misplaced, and Butler does not teach or suggest the invention of claim 1.

7.     As noted in Applicants' prior response, Butler is directed to a system that enables a user to verify whether they have correctly input their password. For example, in the system of Butler, a user enters a password from which an N-bit number is generated and split into groups. (See, Butler Col. 5, lines 12-18). Butler then uses a look-up table to match each group of split N-bit numbers with words in a word list. (See, Butler Col. 5, lines 15-20, and word list 214 of FIG. 2). The words are then provided to the user. (See, Butler Col. 5, lines 21-22). If the user knows the words associated with their password, the user may enter "Yes" if the presented words correspond to the known words to confirm that the password was correctly entered by the user. (See, Butler Col. 6, lines 33-37). Or, the user may enter "No," if the presented words do not match the known words, and the user may then be permitted to reenter their password. (See, Butler Col. 6, lines 51-5). Alternatively, if the user does not know the words associated with their password, the user may enter "Don't Know." (See, Butler Col. 5, lines 40-49). Thus, in the system of Butler, the words and the groups of numbers are not combined.

8.     In response to Applicants' arguments, the Examiner, in the outstanding Office Action, asserted that the groups of bits 210 and 212 correspond to the "error detectable key fragments" of claim 1, the column labeled "Index" of the table of FIG. 2 corresponds to the

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"check data" of claim 1, and element 214 of FIG. 2 corresponds to the "error detectable key fragment" of claim 1. Butler, however, does not disclose combining these groups of bits (210 or 212) with the items in the column labeled "index" of the table of FIG. 2 of Butler. Particularly, as illustrated in FIG. 2, each group of bits 210 or 212 includes 7 bits. Similarly, each number in the "index" of FIG. 2 contains 7 bits. Butler, however, does not disclose combining these to form a 14 bit group of bits. Rather, as noted above, Butler discloses using the groups of bits 210 or 212 to look up a corresponding word in the word list 214.

9.      As such, contrary to the Examiner's assertion, Butler fails to disclose "combining each key fragment with its corresponding check data to form said error detectable key fragment," as recited by claim 1. Applicants accordingly respectfully request that the Examiner reconsider and withdraw the rejection to claim 1 for at least this reason.

10.     Independent claims 14, 28, 35, 45 and 50 contain similar claim features and are patentable over Butler for similar reasons as claim 1.

11.     Independent claim 47 recites, in part, "an accumulator adapted to defragment the key data of the entered error-detectable key fragments into the reconstituted key string and provide the reconstituted key string." (*See*, Applicants' claim 47 above). In Applicants response dated December 19, 2006, Applicants provided arguments regarding why Butler fails to disclose these limitations of claim 47. The Examiner, however, did not address Applicants' arguments, but instead simply restated the Examiner's prior rejection.

12.     Applicants respectfully remind the Examiner of MPEP §707.07(f), which provides "[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." As such, Applicants respectfully submit that the Examiner's continued reliance on this ground of rejection without addressing Applicants argument was improper. Applicants therefore maintain their argument and respectfully request that the Examiner reconsider and withdraw the rejection of claim 47 for at least this reason.

13.     Moreover, the Examiner's reliance on Butler for teaching this limitation of claim 47 is misplaced. For example, in the Office Action, the Examiner alleged that a combination of check words 216 illustrated in FIGs 2 and 4 of Butler allegedly disclose an accumulator as recited by claim 47. This combination of check words 216, however, is simply a combination of words and as such cannot provide functionality, let alone be an accumulator adapted to do

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anything, let alone defragment key data of entered error-detectable key fragments into a reconstituted key string and provide the reconstituted key string.

14.     As such, Applicants respectfully submit that Butler fails to disclose "an accumulator adapted to defragment the key data of the entered error-detectable key fragments into the reconstituted key string and provide the reconstituted key string," as recited by claim 47. Applicants accordingly respectfully request that the Examiner reconsider and withdraw the rejection to claim 47 for at least this additional reason.

15.     Applicants further respectfully submit that independent claim 47 is allowable for the additional reason that Butler fails disclose an error-detectable key fragment for at least the reasons discussed above with reference to independent claim 1.

16.     Independent claims 49, 53 and 55 contain similar claim features and are patentable over Butler for at least similar reasons as discussed with reference to independent claim 47.

17.     Independent claims 1, 14, 28, 35, 45, 47, 49, 50, 53 and 55 have been additionally rejected under 35 U.S.C. § 102(e) as being anticipated over Schroeder. Independent claim 1 recites, in part, a method for using a plurality of error-detectable key fragments of an original license key string for authorizing use of software, comprising fragmenting the original key string into a plurality of key fragments...and combining each key fragment with its corresponding check data to form said error-detectable key fragments." (*See*, Applicants' claim 1 above). Applicants respectfully submit that independent claim 1 is allowable over Schroeder for at least the following reasons.

18.     As discussed in Applicants' prior response, Schroeder is directed to a method for improving error control over packets in a communication network. (*See*, Schroeder, para. 8). In rejecting claim 1, the Examiner relied on the packets of Schroeder as allegedly disclosing the original key string, recited by claim 1. (*See*, Office Action at 3-4.)  The packets of Schroeder are data that is sent between computers, *i.e.* e-mail, and not an original license key for authorizing the use of software as claimed. Applicants accordingly respectfully submit that claim 1 is allowable over Schroeder for at least this reason.

19.     Independent claims 14, 28, 35, 45, 47, 49, 50, 53 and 55 contain similar claim features and are patentable over Schroeder for similar reasons as claim 1.

20.     Further, as argued by Applicants in their prior response, the Office Action appears to have made an omnibus rejection and failed to address several features of the claims in

rejecting the claims as anticipated by Schroeder. The MPEP instructs Examiners that omnibus rejections are not informative. (*See*, MPEP § 707.07(d)). The rejection of claims 1-12 and 14-56 as anticipated by Schroeder only addresses claimed steps of claim 1 and fails to consider any other feature. This rejection is wholly uninformative and thus an improper omnibus rejection. For example, independent claim 47 recited the feature of "an error checker adapted to use the check data of at least one of the entered error-detectable key fragments to detect if the entered error-detectable key fragment is entered incorrectly." (*See*, Applicants' Claim 47, above). In addition, independent claim 55 recites the feature of "an error message generator configured to provide to a user interface a message that identifies a portion of the entered key fragment that was entered incorrectly." (*See*, Applicants' Claim 55, above). The Office Action fails to address these features other features of independent claims 14, 28, 35, 45, 47, 49, 50, 53 and 55, and fails to state where, if anywhere, these features are found in Schroeder. Therefore, the rejection of claims 2-12 and 14-56 by Schroeder is also an improper omnibus rejection and should be withdrawn.

21.    Moreover, the Examiner did not address this argument by Applicants in the present Office Action, but instead simply repeated it. As such, Applicants respectfully submit that the Examiner has failed to meet the requirements of MPEP §707.07(f), which provides "[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." As such, Applicants respectfully submit that the Examiner's continued reliance on this ground of rejection without addressing Applicants argument was improper. Applicants therefore maintain their argument and respectfully request that the Examiner reconsider and withdraw the rejections for at least this reason.

22.    Applicants note that if the Examiner was attempting to address this argument with the statement on page 4 of the Office Action that dependents claims stand or fall with the corresponding independent claim, Applicants respectfully disagree with the Examiner. The Examiner has offered no support for this statement. Moreover, this statement is contrary to the law. The Examiner is reminded of MPEP 608.01(n), which provides "Examiners are reminded that a dependent claim is directed to a combination including everything recited in the base claim and what is recited in the dependent claim. It is this combination that must be compared with the prior art, exactly as if it were presented as one independent claim." Applicants accordingly respectfully submit that the rejections of the claims as anticipated by Schroeder is improper for at least this additional reason.
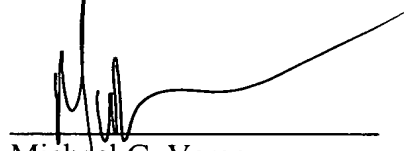
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*Dependent Claims*

23.    The dependent claims incorporate all of the subject matter of their respective independent claims and add additional subject matter which makes them *a fortiori* independently patentable over the art of record.  Accordingly, Applicant respectfully requests that the outstanding rejections of the dependent claims be reconsidered and withdrawn.

*Conclusion*

24.    In view of the foregoing, this application should be in condition for allowance.  A notice to this effect is respectfully requested.

Respectfully submitted,

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May 18, 2007